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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/657,350      | 09/08/2003  | Cheri M. Boykin      | 1792A1              | 1646             |

7590 05/03/2005

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PITTSBURGH, PA 15272

| EXAMINER |
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LEE, SIN J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1752

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/657,350 | Applicant(s)<br>BOYKIN ET AL. |  |
|                              | Examiner<br>Sin J. Lee        | Art Unit<br>1752              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 28-34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 15, 16, 26, 27, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 4, 8-14, 17-24 and 37-40 is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-11-03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's election of Group 1 (claims 1-17 and 35-40) in the reply filed on January 28, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 28-34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 15, 16, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Crutchfield et al (4,365,018).

In claim 1, Crutchfield teaches an imaging element comprising a support member, a light sensitive imaging layer, and a light generating unit. Crutchfield also teaches (see claim 20) an imaging process, in which the light generating unit is activated first so that the light generating unit chemiluminesces, and the light sensitive imaging layer is image-wise exposed with the chemiluminescence generated from the light generating unit. Crutchfield teaches *applying a solution of hydrogen peroxide to the surface* of the light generating unit in order to activate the light generating unit (see col.9, lines 19-25 and Example 1). Crutchfield also teaches Therefore, Crutchfield

teaches present inventions of claims 1-3, 5-7, 15, 16, 35 and 36 (it is the Examiner's position that Crutchfield's step of applying a solution of hydrogen peroxide to the surface of the imaging element would inherently be capable of simulating photoactive properties on the surface and demonstrating hydrophilicity of the surface by exposing the surface to electromagnetic radiation having one or more wavelengths of visible light as presently recited in claims 1 and 15).

4. Claims 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawai et al (US 6,258,969 B1).

Sawai teaches (see col.19, lines 54-64) that the polymethoxysiloxane obtained by his invention can be used as a *coating material*, which provides remarkable effects for example, in imparting a hydrophilic nature. Therefore, the prior art teaches present inventions of claims 26 and 27.

#### ***Allowable Subject Matter***

5. Claims 4, 8-14, 17-24, and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Crutchfield'018 does not teach or suggest present titania surface of claims 4, 24, and 40. Crutchfield'018 does not teach or suggest present thickness range for the photoactive coating of claim 8. Crutchfield'018 does not teach or suggest present drying step of claim 9. Crutchfield'018 does not teach or suggest present step of applying at least partly hydrolyzed polyalkoxysiloxane material of claims 12, 17, and 38. Crutchfield'018 does not teach or suggest present photoactive material of claim 37.

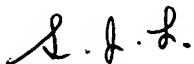
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6. Claim 25 is allowed. None of the cited prior arts teaches or suggests present method of 25.

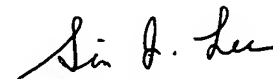
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Lee  
May 1, 2005



Sin J. Lee  
Patent Examiner  
Technology Center 1700